

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Toshihiko Munetsugu  
Appln. No. : 10/733,981  
Filed : December 11, 2003  
Title : DATA PROCESSING DEVICE AND METHOD FOR SELECTING  
MEDIA SEGMENTS ON THE BASIS OF A SCORE  
  
Conf. No. : 1257  
TC/A.U. : 2176  
Examiner : Maikhanh Nguyen  
  
Customer No. : 000,116  
Docket No. : NGB-32161US2

**APPELLANT'S BRIEF**

Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

This is an ex parte appeal from the decision of the Examiner in the Final Rejection dated December 19, 2006 in the above-identified application, rejecting all claims in the application. This brief is accompanied by the requisite fee in the amount of \$510 as set forth in 37 C.F.R. §1.17(c). The requisite fee for a four-month extension in the amount of \$1,640 is submitted with this filing.

## **REAL PARTY IN INTEREST**

The application is assigned to Matsushita Electric Industrial Co., LTD., of Japan.

## **RELATED APPEALS AND INTERFERENCES**

Application serial number 09/467,231, the parent of this application, is currently being appealed. A notice of appeal for that case was filed on July 12, 2007, and an appeal brief was filed on December 17, 2007.

## **STATUS of CLAIMS**

Claims 1-36 have been canceled, and claims 37 through 63 are pending in the application. Claims 37-59 have been finally rejected under 35 U.S.C. §103(a) in the outstanding Office action of December 19, 2006. All pending claims have further been rejected in that action for non-statutory double patenting with respect to U.S. Patent No. 7,134,074 (also assigned to Matsushita), but claims 60-63 have been indicated as being allowable, but subject to the non-statutory double patenting rejections. The rejection of all of these claims is appealed. The outstanding claims of the amendment of March 10, 2006, which were entered in this case by the Examiner, are attached herewith as Appendix A. All references to the claims contained herein will correspond to claims as shown in this appendix.

## **STATUS of AMENDMENTS**

Two amendments have been filed since the final rejection. The first amendment was filed on March 1, 2007, and included no amendments to the claims. This amendment has been

entered by the Examiner. The second amendment was filed on June 19, 2007, but the Examiner has improperly refused to enter this amendment. It was indicated in the remarks of that amendment that the claims were being amended for the purposes of appeal. Primarily, the claims were amended to make the claim language consistent with the language of the specification, as the term “content description data” was mistakenly used in place of “context description data” which is used in the specification. Nowhere is the term “content description data” used in the specification. Furthermore, it is applicant’s contention that changing “content” to “context” in the claim language does not raise any new issues because regardless of which phrase is used, the phrase is defined in the claims to include “importance attributes having a value representing a degree of contextual importance of said corresponding one of said plurality of segments”, and thus the issue of context has already been raised. Furthermore, because the phrase is further defined by the claim, it is not particularly relevant what the data is named, as that thereby becomes a relatively arbitrary designation. In addition, claims 60-63 previously entered had already used the proper terminology, and thus it was disingenuous for the Examiner to argue that using this term in the other claims would raise new issues. This was a clear case where a clear error was not detected by either applicant’s representative or the Examiner (for example, claims 44, 46, 54, 56, and 58 use the phrase “context description data” but refer to parent claims using “content description data”). Accordingly, the Examiner should have entered the amended claims. Nevertheless, the arguments made herein would not change if the provided amendments had been entered.

Consequently, we note that the description of the subject matter describes the use of “context description data”, although the arguments regarding the claims use the erroneous “content description data”. Because these different phrases are nevertheless defined in the same manner (with “context description data” being defined in the specification and in claim 60, and “con-

tent description data” being defined in the claims discussed herein), applicant’s representative is of the opinion that this does not raise any inconsistencies in these arguments.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The invention relates to a data processing apparatus for processing media content comprised of a plurality of scenes, as described in the clean copy of the replacement specification. In essence, the invention provides a new way of describing media content, through the use of context (content) description data that provides a contextual description of the media content (such as a video, for example). This description can then be used to select various scenes of the media content based on a user input, the scenes chosen based on importance related to a contextual topic as chosen by the user (see, e.g., the Summary of the Invention section of the specification).

Figure 1 (of the replacement drawings) shows a simplified view of a method performed by the apparatus, according to the invention. A simple description of this process is that, via a selection step 101, selected segments are determined according to context description data that is input into the apparatus (see the second paragraph of page 29, lines 7-15 of the clean version of the replacement specification for a description of the method shown in Figure 1). The selected segments are then used by the apparatus, as shown in Figure 5, to select desired scenes of the media content, (e.g., video) that is input into the apparatus (into a demultiplex means 601). The media content is split into audio data (input into an audio skimming means 603) and video data (input to a video skimming means 602). The selection segments are then utilized by the apparatus (e.g., the skimming means 602, 603) to output desired audio and video data based on the degree of importance of the scenes (see the last paragraph of page 33 of the specification, to the end of the paragraph, page 33 lines 17-26 and page 34, lines 1-8).

The specification makes clear that context description data is different than the media content. On page 17 of the specification, second paragraph (lines 8-18), media content and context description data are differentiated. Media content is described as corresponding to *video data and/or audio data*, whereas context description data is described as the *configuration* of respective video data sets and/or audio data sets, and that video/audio selection means selects a scene by reference to the context description data, and that an extraction means then extracts the selected video or audio scene. On pages 29-31, context description data is described in more detail, as discussed below.

An example of the context description data is shown in Figure 2 in a hierarchical format, and is described on page 29, last paragraph, to page 31 (page 29, line 24 to page 31, line 7). Figures 19, 29, 36, 65, and 68 also show additional embodiments of this data, all of which are described in the specification. In this discussion, it is made clear that the context description data is data for *describing* the media content, such as the *context* of various scenes of the media content, but it is clear that this data is *not* the media content itself. For example, see the last paragraph of page 30 (lines 22-25), where it is stated that the context description data can be used to *describe* a movie story hierarchically, according to the movie, chapters, sections, and paragraphs. Similarly, a video of a baseball game could be *described* by using context description data by breaking down the game into innings, half-innings, at-bats, and individual pitches, for example, to describe the game (see end of page 30, line 25 to top of page 31, line 7). Thus, it is clear from the specification that context description data is differentiated from the media content that it describes.

On page 31, the example context description data of Figure 2 is described as potentially being expressed in XML language. An example of context description data is provided on Pro-

gram02.xml of the sample programs filed on a CD ROM in this case, and described on page 31. Such an XML file could, for example, be executed in a browser application on a computer (as described on page 31, for example). This example of context description data further clarifies that this data is not media content, but data that is provided to describe some media content. The XML ASCII file for Program02.xml is provided in the Evidentiary Appendix, attached to this brief. This file can be loaded into a standard browser, such as Microsoft's Internet Explorer, where it can be executed (however, an editorial error in this example program causes an error in the browser; such an error is well within the skill of the art to correct).

Figure 20 shows a selection means operable to input context description data for performing the selection step of Figure 17 (see pages 48-49 and pages 52-53). The context description data can include a plurality of segment elements, such as shown in Figure 19, each for describing one of said plurality of scenes of media content (see pages 50-51). The context description data can include a "context attribute", such as the keyword discussed on page 17 in the first paragraph, lines 2-5). The keyword describes a particular "viewpoint" (e.g., context) that the user desires (id.). See the data structure of Figure 29 showing keywords associated with a priority (a "score" provided in an importance attribute, discussed below). This is discussed in more detail on pages 60-61.

The context description data also includes a plurality of importance attributes each associated with a corresponding one of the plurality of segment elements, for quantifying the importance (or "score") of the particular desired context represented by an associated context attribute. This is shown by example in the priority elements of Figure 29, which are assigned a "priority" relating to the degree of importance of the scene, with these importance attributes having a value representing a degree of contextual importance of the corresponding scenes (see page 61, lines 7-

23). Data of the segments related to the scenes (e.g., scene start and stop times) are then output based on the one or more importance attributes (page 61, line 24 to page 62, line 18). In this manner, context description data can be used to determine and select scenes having a high degree of contextual importance related to a context attribute (e.g., keyword) of a user request (id.; also see Fig. 43 and pages 86-88 of the specification for more detail about user requests).

The Evidentiary appendix includes an example of the context description data for the above described process (in Program02.xml), along with an example output (Program07.out) showing the start/stop times for the corresponding scenes.

In this manner, the invention provides a new and useful method and apparatus for selecting, playing back, delivering a synopsis, highlighting a scene, and/or selecting a scene desired by the audience at the time of playback of the media content (see first paragraph of the Summary section of the specification).

## **GROUND S FOR REJECTION TO BE REVIEWED ON APPEAL**

The grounds for rejection to be reviewed on appeal are as follows:

**Issue 1:** Whether Claims 37, 39-45, 47, 49-54, and 55 are patentable under 35 U.S.C. §103(a) over Smith *et al.* (“Video Skimming and Characterization through the Combination of Image and Language Understanding Techniques”, June 1997, pp. 775-781) and whether claims 38, 46, 48, and 56-59 are patentable under 35 U.S.C. §103(a) over Smith *et al.* in view of B. Arons (“SpeechSkimmer: A system for Interactively Skimming Recorded Speech,” ACM, March 1997, pp. 3-38).

The primary issue is whether Smith *et al.* (hereinafter “Smith”), which teaches an experimental method of video skimming and characterization through the combination of image and language understanding techniques, renders obvious a data processing apparatus us-

ing content description data to describe media content, as recited in the claims. A secondary issue is whether Arons, which describes a method of skimming audio material, overcomes any Smith shortcomings.

**Issue 2: Whether Claims 37-63 are properly rejected for non-statutory obviousness-type double patenting over the claims of U.S. App. Serial No. 09/785,063 (now U.S. Pat. No. 7,134,074).**

The issue is whether the Examiner has made a *prima facie* case for non-statutory obviousness-type double patenting in light of U.S. Pat. No. 7,134,074, which is a CIP child of the parent application to the instant case, serial number 09/467,231.

## **ARGUMENT**

**Issue 1: Claims 37, 39-45, 47, 49-54, and 55 are patentable under 35 U.S.C. §103(a) over Smith *et al.* (“Video Skimming and Characterization through the Combination of Image and Language Understanding Techniques”, June 1997, pp. 775-781) and claims 38, 46, 48, and 56-59 are patentable under 35 U.S.C. §103(a) over Smith *et al.* in view of B. Arons**

In the Office action of December 19, 2006, claims 37, 39-45, 47, 49-54, and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith *et al.* (Video Skimming and Characterization through the Combination of Image and Language Understanding Techniques). Claims 38, 46, 48, and 56-59 were rejected as above in further view of B. Arons (“SpeechSkimmer: A system for Interactively Skimming Recorded Speech,” ACM, March 1997, pp. 3-38).

However, the invention as claimed is not taught by the cited prior art references, either individually or in combination. Accordingly, the invention is patentable, over the references, as claimed.



Inventions are patentable if novel and nonobvious. 35 U.S.C. §102 and 35 U.S.C. §103. The burden is on the Patent Examiner to establish a *prima facie* case of unpatentability by presenting prior art references teaching every element of the claim. M.P.E.P. §2142; M.P.E.P. §2142, ¶3; *In re Fritch*, 23 U.S.P.Q.2d 1781, 1783 (Fed.Cir. 1992); *In re Piasecki*, 223 U.S.P.Q. 785, 787 (Fed.Cir. 1984). The Examiner has failed to establish a *prima facie* case of unpatentability. None of the cited references disclose or suggest all of the claimed features of the invention, alone or in combination, and the Examiner has failed to show that such missing claimed features would be obvious to one skilled in the art to provide to the prior art solutions.

The Examiner is required to support an obviousness rejection with factual analysis in order to establish a *prima facie* case. See *Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App.& Inter. 1989); see also M.P.E.P. §2142, ¶5. Inventions are not patentable if the differences between the prior art and the claimed invention would be *obvious* to one skilled in the art. See *KSR Int'l Co. v. Teleflex*, 550 U.S.\_\_\_\_ (2007). The Examiner is required to ascertain the *level of skill* in the art, and then *factually analyze* why one skilled in the art, starting with the problem to be solved by the inventor, given the cited references, would have found it obvious to obtain the claimed invention. See *KSR Int'l Co. v. Teleflex*, 550 U.S.\_\_\_\_ (2007) (first paragraph of page 2 of the published opinion, citing *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)).

The Examiner is required to support an obviousness rejection with reasonable specificity to support a *prima facie* case of obviousness. See *Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App.& Inter. 1989); see also M.P.E.P. §2142, ¶5. The question to be asked is, whether the person of skill in the art, starting with the cited references would have found it obvious to make the modifications suggested by the Examiner (see *KSR Int'l Co. v. Teleflex*, 550 U.S.\_\_\_\_ (2007) (first paragraph of page 21 of the published opinion)).

The Examiner, however, has failed to even minimally explain how the cited art shows all of the elements of the claimed invention, or why one skilled in the art would make the suggested modifications. The Examiner's arguments are weak on any factual support, and are instead nothing more than a series of conclusory statements. Consequently, because the examiner has not met the burden of the *prima facie* case of obviousness, the applicant is not required to present evidence of non-obviousness. M.P.E.P §2142, ¶1. Therefore, a rejections based on 35 U.S.C. §103(a) are improper and the claims, as written, should be patentable over the cited references, for the reasons discussed in more detail below.

**A. Smith Does Not Teach “content description data including a plurality of segments each for describing one of said plurality of scenes of media content”.**

Independent claim 37 of the invention, directed toward a “data processing apparatus for processing media content comprised of a plurality of scenes” recites comprising an “input unit operable to input content description data including a plurality of segments each for describing one of said plurality of scenes of media content”. Claim 47, directed toward a “data processing method for processing media content comprised of a plurality of scenes” includes the step of “inputting content description data including a plurality of segments each for describing one of said plurality of scenes of media content”. Claim 57 is also directed to a data processing apparatus for inputting the content description data as defined above. Smith fails to teach any such “content description data”.

Applicant would first like to point out that it is clear that the Examiner is confusing the claimed “*content description data*” (or the proper “*context* description data”) with the media content (such as the video of Smith), and that her arguments all apply to the media content itself, not to any content description data describing the media content. The claims clearly define the

content description data as being *different* than media content, which the references do not in any way teach or suggest. Thus, the Examiner's arguments do not apply to the "content description data" as defined by the claims and (in the case of the proper "context description data") the specification. The Examiner has not pointed to any teaching that is in any way similar to the content description data of the claimed invention.

As discussed above, the Examiner's arguments in the various Office actions shows that she has consistently confused "content description data" with the actual *media content* (e.g., video and/or audio files) of the cited references. In contrast, as described in the specification and briefly discussed in the *Summary of the Claimed Subject Matter* section herein, the claimed "content description data" is specifically "for *describing* one of a plurality of *scenes* of media content" (emphasis added). The claims clearly specify both "media content" as being "comprised of a plurality of scenes" and differently specify "content description data" as including "a plurality of segments each for *describing* one of said plurality of scenes of media content" (emphasis added). This makes it clear that "content description data" is defined differently from "media content" and thus is a different entity. Accordingly, the Examiner is incorrect in confusing or equating the two.

Although the Examiner argues that Smith teaches a "method for processing media content (e.g., video) comprised of a plurality of scenes" (see page 6 of the outstanding Office action), the Examiner fails to particularly point to where Smith supposedly teaches the "content description data" as defined by the claims. The closest she comes in attempting to show such a teaching is merely through implication, stating that "text in the video provides significant information as to content of a scene" (see bottom, of page 6 of the outstanding Office action). She

never points to any teaching of Smith being *directly* analogous to the content description data of the claims, but instead appears to be relying on inherency or implication.

However, even if “text” is found in the video of Smith (although the Examiner fails to cite any section where such a teaching is found in the reference), any such text would be part of the “media content”, because it would be part of the video (i.e., “text *in* the video”, emphasis added). Furthermore, the Examiner gives no examples of where “text in the video” actually “describes” the media content, as required by the claim language. Her “text” would appear to be a *part* of the media content, if it existed at all. For example, if she is attempting to refer to a feature such as *closed captioning*, such text is merely a *transcription* of the audio of the video, and does not necessarily “describe” the media content, but merely substitutes for the audio track (e.g., replaces a portion of the media content, thus becoming a part of the media content itself). Thus, the Examiner fails to show how the can media content “describe” itself. This makes no logical sense considering the definitions found in the claim language and specification, and the Examiner has pointed out no teaching in the prior art contradicting such definitions. In any case, the Examiner cannot argue that the media content is itself the content description data, because that would not be consistent with the claim language or the specification, which clearly differentiates the two as being distinct and differently defined, and Phillips makes clear that the primary source for the definitions of terms in a claim is the *specification*, which should be looked to first to clarify any ambiguities. *Phillips v. AWH Corp.* 415 F.3d 1303 (Fed. Cir. en banc, 2005).

Furthermore, the use of “content description data” with the Smith method is not logical or useful, as the purpose of Smith is to provide a shortened skimmed video which provides a short synopsis of the original with little loss of data. There is no need by Smith for any content description data as that term is defined by the claims, because Smith teaches using a shortened

form of the video itself to describe the video. Smith is merely investigating a way to develop a skimmed video that does not lose any important features, whereas the instant invention is concerned only with a particular specific context, not *all* of the important features. The invention is solving a different problem than Smith. Thus, Smith fails to provide the feature of data for describing *each* of the scenes of the video content, as the Smith result is merely a subset of the original video encompassing all important features in shortened a form, and thus no *content description data* is necessary, desirable, or even useful. Accordingly, Smith fails to explicitly or implicitly suggest the claimed content description data, and the Examiner has not shown any such teaching or explanation of how providing such data would be an improvement obvious to one skilled in the art.

Consequently, claims 37, 47 and 57 are patentable over Smith, as are claims 39-45, 49-54, and 55, because no teaching of providing “content description data” defined as “including a plurality of segments each for describing one of said plurality of scenes of media content “ by the cited claim language, has been provided. In the rejection of claims 85 and 94, the Examiner cites Arons only for teaching data that is hierarchically arranged, and Arons clearly fails to overcome the shortcomings of Smith discussed above, and thus claims 38, 46, 48, and 56-59 are also patentable over the combination of references for the same reasons discussed above.

**B. Smith Does Not Teach any “content description data including a plurality of importance attributes each associated with one of said of segments and having a value representing a degree of contextual importance of said corresponding one of said segments”.**

Claim 37 recites a “data processing apparatus for processing media content comprised of a plurality of scenes, said apparatus comprising...an input unit operable to input content descrip-

tion data including...a *plurality of importance attributes* each associated with one of said of segments and having a *value* representing a *degree of contextual importance* of said corresponding one of said segments” (emphasis added). Furthermore, claim 47 recites a “data processing method for processing media content comprised of a plurality of scenes, said method comprising the [step] of: inputting content description data including... a plurality of importance attributes each associated with one of said segments and having a *value* representing a *degree of contextual importance* of said corresponding one of said segments” (emphasis added). Claim 57 recites a data processing apparatus for processing media content comprised of a plurality of scenes, with the apparatus comprising “input means for inputting content description data describing said plurality of scenes” with “said content description data being arranged in a hierarchy and including...a plurality of importance attributes each associated with one of said context attributes and also associated with one of said segment elements that are associated with said one of said context attributes, and having a value representing a degree of importance of the scene associated with said one of said segment elements in relation to the context of said context attribute”.

Smith fails to teach any “content description data” that includes a “plurality of importance attributes” defined in the manner specified by the claim language cited above, and the Examiner further fails to show why such a feature would be an improvement obvious to one skilled in the art.

The Examiner admits that Smith does not “specifically teach ‘a value representing a degree of contextual importance’”, but argues that Smiths teaching that “‘with prioritized video frames from each scene, we not have a suitable representation for combining the image and audio skims for the final skims’ [citing Smith section 3.3] would suggest the claimed ‘a value representing a degree of contextual importance’” (see middle of page 7 of the outstanding Office

action). The Examiner then apparently concludes that it would be “obvious” to include Smith’s teaching as a modification of the Smith teaching (see bottom of page 7 continuing to top of page 8).

Ignoring the Examiner’s lack of logic as to why she needs to rely on obviousness to use a Smith teaching to modify a Smith teaching, the cited material fails to discuss any teaching at all that Smith has any “importance attributes” as specified by the cited claim language. As discussed above, the Smith method is to take a video and shorten it into a skimmed version that is a “very short synopsis of the original” but keeps the primary important aspects of the original (see Abstract of Smith). To do this, all Smith has to do is preserve the desired important portions of the video (e.g., the “prioritized portion”) and discard the rest to create the shortened “skim” video (this solution is supported by the discussion in sections 3.1 for audio skim, where the reference states that repetition of words are limited, and repeated keywords are “discarded”; furthermore, section 3.2 discusses selecting those video frames that are “most appropriate for skimming” and presumably discarding the rest). No use of any “attribute” and no assignment of any “values” are disclosed or even necessary for such a process. Similarly, Smith could merely keep the original video, and then merely flag the “prioritized” portion, so that when a skim was desired, only the flagged portion would be used as the “skimmed” portion. Again, no “attribute” or “value” need be applied, as a mere flag would suffice.

Instead, the discussion of “priority”, as used in the Smith reference, is merely a description of how the authors determined which scenes were to be kept in the final result (i.e., the “skimmed” video). Thus, in section 6, the authors state that if “a scene contains both faces and text, the portion containing text is used for skimming” but in contrast with “scenes with video frames containing only human-faces or text” then for “these scenes, priority is given to text”.

The authors also discuss “prioritizing and ordering of the keywords and video frames” (see section 3) and that with “prioritized video frames from each scene, we now have a suitable representation for combining the image and audio skims for the final skim” (see section 3.3). Accordingly, the authors are merely describing how they choose to preserve various scenes and audio portions for including in the final skimmed version, and how they then chose to assemble them together in that final skimmed version. No teaching of a value is provided, and no such value is necessary, to perform such a method.

Furthermore, even if, assuming *arguendo*, one accepts that Smith’s prioritizing a scene implies providing a “value” to that scene (though applicant does not concede this), the Examiner points to no teaching that such a value represents a “degree of contextual importance of said corresponding one of said plurality of segments”. Instead, the scheme assumed by the Examiner (but not supported by the reference), merely has a go/no-go (i.e., binary) aspect, in that a scene is either included in the skim, or it is not. There is no “degree” of importance provided by such a scheme, nor is such a degree necessary or useful.

Thus, the Smith process is clearly different than what the claims require, as there is nothing to suggest any “content description data” being provided with an attribute having a *value* representing a “degree of contextual importance” of a corresponding segment. Instead, the Smith process clearly does not require nor imply any such content description data having such an attribute, and thus claim 37, 47, and 57 are patentable over the reference.

Furthermore, the Examiner fails to show how one skilled in the art would take the Smith teaching cited in section 3.3, and from that, find obvious the claimed importance attributes. Instead, no such association would be apparent to one skilled in the art. A teaching of merely prioritizing video frames would not suggest to one skilled in the art providing a value “representing



a degree of contextual importance”. Merely providing a “priority” does not imply or suggest providing a “degree of contextual importance”, first because there is no teaching that the “priority” is based on any *contextual* importance (Smith merely assumes a scene is important, or it is not, as there is no suggestion of any particular “context” being utilized for such a determination), and second, because there is no teaching that such priorities have any “degree” (again, Smith merely uses a binary determination—either it goes in, or it does not—there is no “degree” there). Accordingly, the Examiner has failed to show any reason why one skilled in the art of video searching would apply her suggested modifications.

Furthermore, there is no need for Smith to assign any “value” to determine whether to include a scene in a skim or not, and Smith fails to explicitly teach any need for such a *value*. The specification of the instant application gives, as an example, the “value” being an integer ranging from 1 to 5 (see top of page 30 of the specification). This is consistent with how one skilled in the art would view the term “value” as used in the claim (e.g., as representing a “degree” of importance), which implies a numerical or scaled result. However, such a feature is not necessary to implement the Smith process, and it would solve no problem discussed in Smith or known in the art related to the Smith process. Instead, as discussed above, the Smith teaching works just fine without any use of “values” or any attributes. Thus, it is not at all inherent that Smith must utilize priority “values”, and thus the Examiner’s argument fails on this point as well, as Smith does not imply any values by its prioritization scheme. Accordingly, there is no reason one skilled in the art would find using attributes having a value useful with respect to the Smith process.

Accordingly, claims 37, 47, and 57 are patentable over Smith, as are claims 39-45, 49-54, and 55 because no teaching of providing any “content description data” defined as “including a

plurality of importance attributes each associated with a corresponding one of said plurality of segments, said importance attributes having a value representing a degree of contextual importance of said corresponding one of said plurality of segments” as found in the cited claim language has been provided. In the rejection of claims 38, 46, 48, and 56-59, the Examiner cites Arons only for teaching data that is hierarchically arranged, and Arons clearly fails to overcome the shortcomings of Smith discussed above, and thus claims 38, 46, 48, and 56-59 are also patentable over the combination of references for the same reasons discussed above.

**C. Smith Does Not Teach any “content description data including a context attribute having a value for describing a context of said media content”.**

Claims 37 and 47 further recite that the content description data includes a “context attribute having a value for describing a context of said media content”. Claim 57 recites that the content description data includes a plurality of such context attributes with “each being associated with one or more of said segment elements and/or section elements, each of said context attributes having a value for describing a context of said media content”. Smith and Arons fail to teach any such attribute.

On page 7 of the Office action, the Examiner points to Smith, pp. 776-779 and Fig. 6 as teaching the “context attribute” of the claim language. She states that the reference teaches “identifying the most significant words in a given scene” and “detection of objects of importance”. But regardless of any such teaching, there is no suggestion that these “significant words” are provided as attributes, or that they are associated with “content description language” as defined by the claims.

Furthermore, the section cited by the Examiner is basically a background section describing language understanding. There is no teaching of providing such features in a method or ap-

paratus. Instead, the reference focuses on “objects of importance” (see end of section 2.0 on page 776), not context attributes. Even the discuss of keywords in the reference is focused on only the audio portion of the video, not the “context” of the video (see section 2.1 discussing language characterization). But in any case, the reference fails to suggest any use of keywords or any other attribute in the manner specified by the claims. Accordingly, claims 37, 47, and 57 are patentable over the Smith reference, as are the claims dependent thereon, for this reason as well. Arons, cited only for teaching hierarchically arranged data, fails to overcome the shortcomings of Smith, and thus claims 38, 46, 48, and 56-59 are also patentable over the combination of references for the same reasons discussed above.

**D. Neither Smith nor Arons Teach the “content description data” of the detail and complexity recited in claim 57.**

Claim 57 is a relatively detailed claim that recites hierarchial content description data in detail. The data is defined as including a “plurality of section elements” a “plurality of segment elements” each being a “child of one of said section elements” and being “associated with a corresponding one of said plurality of scenes”. The content description data also includes a “plurality of importance attributes each associated with one of said context attributes and also associated with one of said segment elements” and each “having a value representing a degree of importance of the scene associated with said one of said segment elements in relation to the context of said context attribute” as discussed above in detail. Finally, the content description data also includes “a plurality of time attributes each associated with a corresponding one of said segments for determining a start time and one of an end time and a duration of the scene associated with said corresponding segment”. As such, this definition provides a detailed description of the con-

tent description data as shown in the example of Figure 29. The cited references teach nothing remotely like this data.

In rejecting this claim in light of Smith and Arons, the Examiner completely fails to understand this claimed data structure and cites completely non-analogous material of the prior art references. For this rejection in particular, it is clear that the Examiner is confusing “content description data” with the media content, as discussed above.

For example, on page 11 of the Office action, the Examiner cites a teaching of “regions from video frames that contain textual information” found in section 2.4 of Smith as teaching the “segment elements” of the claim. But the reference makes clear that it is discussing extracting portions of the video itself, not data that describes the video (see last full paragraph on page 777).

Regarding the limitations to the “plurality of time attributes each associated with a corresponding one of said segments for determining a start time and one of an end time and a duration of the scene associated with said corresponding segment”, the Examiner cites sections 3.2 and 4.2.9 of Smith (see page 13, third bullet, of the Office action), without providing any analysis at all. The Examiner merely parrots the claim language, without pointing out what language in the reference is supposed to be analogous. This is likely because there is *no such teaching* in these sections. Section 3.2 merely discusses the creation of the skim by selecting video frames that “correspond in time to the audio skim segments”. Thus, although this discussion uses the term “time”, it does not teach any time *attributes* as defined by the claim language (e.g., start time, end time or duration, and associating them with segments). Regarding section 4.2.9, no such section exists in Smith, so it is assumed that the Examiner was referring to Arons. In that section, Arons merely discusses skimming an audio source using “buttons”. The word “start” is

used in some places, but there is no discussion of start and stop times as attributes. Furthermore, section 3.2 of Arons (cited previously by the Examiner) also fails to teach this feature. Generally, nowhere does Arons teach or suggest any data similar to the content description data as defined by the claim. Thus, neither reference supports the rejection of this teaching.

Furthermore, we note that the Examiner has completely ignored other structure details cited in this claim that are not found in claim 37. The Examiner incorporates the rejection of claim 37, and addresses the the additional features discussed above, but the Examiner completely fails to address the limitations of a “plurality of importance attributes each associated with one of said context attributes and also associated with one of said segment elements”.

Accordingly, the Examiner has failed to show any prior art teaching of the content description data as defined by claim 57, even if the combination of Smith with Arons is considered proper. The Examiner merely attempts to force-fit various unrelated teachings together in an attempt to show that some features of the claim are known, and the Examiner completely fails to address other features of the claim. In any case, the Examiner does not show any “content description data” as defined (in detail) by the claim was known or rendered obvious to one skilled in the art. Accordingly, claim 57, and claims 58-59 which depend thereon, are patentable over the combination of references for this reason as well.

**E. The References Do Not Teach any “data processing apparatus” as defined by claims 83-91.**

Independent claims 37 and 57 recite a “data processing apparatus for processing media content comprised of a plurality of scenes”. The Smith reference does not teach any such apparatus.

It was pointed out to the Examiner, both in personal interviews and in filed responses, that the Smith reference appears to be directed toward a university research project where many of the steps may be done manually. As discussed in the Abstract of the reference, the purpose of the reference is to disclose a method of “extract[ing] the significant audio and video information and creat[ing] a ‘skim’ video which represents a very short synopsis of the original”. The paper provides nothing more than an example of the method, without any discussion of any “data processing apparatus” or other means of implementation of the method. Thus there is no suggestion that the authors have contemplated any apparatus for performing the described method.

In the outstanding Office action, the Examiner merely makes conclusory statements that an apparatus is shown in Smith, but her references are merely to various method steps. There is nothing pointed out by the Examiner that supports any teaching of *an* apparatus, as recited in the claims. Furthermore, In the Advisory Action of March 26, 2007, the Examiner responds to these arguments by stating that Smith teaches “browsing” and “displaying”, and thus there must be an apparatus. But that argument merely supports the existence of a display for performing the displaying functions. Such a display could be, for example, a DVD player with a monitor. The teaching does not imply that there is any *apparatus* for inputting content description data that is for describing media content. Similarly, “browsing” could be accomplished using a completely separate and unrelated apparatus. Although applicant concedes that various apparatuses *may* be used for the various steps of Smith, there is no specific discussion in the reference about any such apparatuses. Thus, each of these functions could be performed by a separate apparatus.

For example, there is nothing in Smith to contradict an approach to the disclosed processes that would use various different devices for each of the separate steps of the method. Just as a film movie may be captured by a plurality of cameras, edited on one or more editing ma-

chines, and then the resulting edited movie displayed using a different projector, the method of Smith could use various different devices to perform the various steps, and some of the steps may also be manually performed. In fact, Smith makes clear that his method relies on *manual* steps (stating that the “*manually* created skims in the initial stages of the experiment help test the potential visual clarity and comprehension of the skims” --see section 3.5, first sentence). Thus, the reference itself makes clear that no apparatus was used for at least some portion of the disclosed method. Arons fails to overcome the Smith shortcomings.

Thus because, the references do not teach “*an* apparatus” that can perform any subset of disclosed steps, the Examiner fails to make a *prima facie* case of obviousness by relying on the reference for such a teaching. Claims 37 and 57 clearly require that the same apparatus be comprised of the various listed elements, not different apparatuses (or manual steps) as could be the case of Smith. Accordingly, because the Smith cannot be used to make obvious the claimed *apparatus* as recited in claims 37 and 57, those claims are patentable over the reference. Claims 37-46, which depend on claim 37, and claims 58-59, which depend on claim 57, are thus also patentable over the Smith (and Arons) for this reason as well.

**F. Claims 39-45, 49-54, and 55 are patentable under 35 U.S.C. §103(a) over Smith et al. (“Video Skimming and Characterization through the Combination of Image and Language Understanding Techniques”, June 1997, pp. 775-781) and claims 38, 46, 48, 56, and 58-59 are patentable under 35 U.S.C. §103(a) over Smith et al. in view of B. Arons, for additional reasons**

In addition to the reasons discussed above by nature of their dependency on their parent claims, claims 39-45, 49-54, and 55 are patentable over Smith and claims 38, 46, 48, 56, and 58-59 are patentable over Smith in combination with Arons because the Examiner has failed to make a *prima facie* case of obviousness regarding these particular rejections as well, again fail-

ing to show why one skilled in the art would find the various teachings in the references or make the modifications. However, because these claims are patentable for the reasons discussed above for the parent claims, the particular errors in the rejections of these claims are not discussed individually as being unnecessary to overcome the rejections.

**Issue 2: Claims 37-63 are not properly rejected for non-statutory obviousness-type double patenting over the claims of U.S. Pat. No. 7,134,074:**

The Examiner has rejected all of outstanding claims for obviousness-type double patenting in light of application serial number 09/785,063 (now patent number 7,134,074), and also in light of application serial number 09/467,231. It should be noted that the '074 patent is a CIP of the parent application, and thus has additional disclosure that is not found in the instant application.

The Examiner has not provided a proper rejection for obviousness-type double patenting in light of the '063 application or the '074 patent. To support a rejection for non-statutory obviousness-type double patenting, the Examiner is required to make the following factual inquiries required by MPEP §804(II)(B)(1), paragraphs 3-7:

- (A) Determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue;
- (B) Determine the differences between the scope and content of the patent claim and the prior art as determined in (A) and the claim in the application at issue;
- (C) Determine the level of ordinary skill in the pertinent art; and
- (D) Evaluate any objective indicia of nonobviousness.

The conclusion of obviousness-type double patenting must then be made in light of these factual determinations.

The rejection is also required to make clear the following (MPEP §804(II)(B)(1) 8<sup>th</sup> paragraph):



- (A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and
- (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

It was pointed out to the Examiner in multiple filed responses that the Examiner has repeatedly failed to make the required factual inquiries, and has also failed to show the differences between the inventions defined by the conflicting claims or identify any reasons why one skilled in the art would find such differences to be obvious. In fact, the Examiner has cited no art as teaching the various elements that she has indicated are “obvious” in the outstanding action, and thus she has provided no factual arguments at all to support her rejections for obviousness-type double patenting.

Instead, the Examiner merely concludes that the differences between the claims would be “obvious” to one of ordinary skill because “the instant application represents the invention in broader scope” (see page 5 of the Office action). But such a conclusory statement, without providing factual *evidence* that such differences between the claims were known in the art, does not meet the requirements of the MPEP or the caselaw. The Examiner must show that the differences between the claims were actually *known* in the art (e.g., cite references) or describe, with factual basis, why they would be obvious to one skilled in the art (i.e., make a logical argument based on facts known to one skilled in the art), which she completely fails to do.

The mere fact that the claims in this application may be *broader* than the claims of the ‘074 application is not sufficient to show non-statutory obviousness-type double patenting, especially when the ‘074 case is a CIP of the instant case, and thus could be directed toward different subject matter not even disclosed in this application. An applicant is not prohibited from having both a broad and narrow patent on similar material if the narrower patent is not obvious over the

broader patent, especially when the narrower patent might have a later effective filing date. Instead, the Examiner wants to reject the instant claims for being obvious with respect to the '074 patent without providing any facts or analysis showing that the differences are, in fact, obvious. Incredibly, the Examiner does not even bother to identify what the differences between the claims are. Similar arguments can be provided to the rejection regarding the '981 application.

Accordingly, the Examiner has not made a *prima facie* rejection for Obviousness-type double patenting, and thus the rejection must be withdrawn.

## **CONCLUSION**

Consequently, for any or all of the reasons stated above, the applicants claims 37-59 are patentable over the references, individually or in combination, because the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. §103(a). The references fail to teach the “content description data” as defined by claims 37-59, and the references fail to teach any apparatus as specified by claims 37-46 and 57-59. Furthermore, the Examiner has failed to support a rejection for non-statutory, obviousness-type double patenting over U.S. Pat. No. 7,134,074 because the Examiner has failed to show that the differences between the claims of this application and that patent would be obvious to one skilled in the art.

Accordingly, the claimed invention represents a new, useful, nonobvious apparatus and/or method for processing media content, and thus applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the rejection of claims 37-63 and return the case to the examiner for issuance of a notice of allowability.

If there are any additional fees resulting from this communication, please charge all uncovered fees to our Deposit Account No. 16-0820, our Order No. 32161.

Respectfully submitted,

Pearne & Gordon LLP

Date: December 19, 2007

By:           / Robert F. Bodi /            
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## CLAIMS APPENDIX

### **Claims 1-36 (canceled)**

Claim 37 (previously presented): A data processing apparatus for processing media content comprised of a plurality of scenes, said apparatus comprising:

- an input unit operable to input content description data including a plurality of segments each for describing one of said plurality of scenes of media content, said content description data further including:

- a context attribute having a value for describing a context of said media content, and

- a plurality of importance attributes each associated with one of said segments and having a value representing a degree of contextual importance of said corresponding one of said segments;

and

- an output unit operable to output at least one of said segments based on at least one of said importance attributes.

Claim 38 (Previously presented): The data processing apparatus according to claim 37, wherein said plurality of segments are hierarchically described.

Claim 39 (previously presented): The data processing apparatus according to claim 37, wherein said content description data includes supplemental information.

Claim 40 (Previously presented): The data processing apparatus according to claim 37, wherein the media content corresponds to video data and/or audio data.

Claim 41 (Previously presented): The data processing apparatus according to claim 37, wherein each of said plurality of segments is provided with linkage information for linking to dominant data that represents said segment.

Claim 42 (Previously presented): The data processing apparatus according to claim 41, wherein said dominant data is one or more of text data, image data and audio data.

Claim 43 (Previously presented): The data processing apparatus according to claim 37, wherein a plurality of context attributes and a plurality of importance attributes are associated with one segment.

Claim 44 (Previously presented): The data processing apparatus according to claim 37, wherein said context description data is previously generated outside of said data processing apparatus prior said inputting.

Claim 45 (Previously presented): The data processing apparatus according to claim 37, wherein said output unit is operable to output in response to a user query regarding the context.

Claim 46 (Previously presented): The data processing apparatus according to claim 37, wherein said context description data further includes a plurality of time attributes each associated with a corresponding one of said segments for determining a start time and one of an end time and a duration of the scene associated with said corresponding segment.

Claim 47 (previously presented): A data processing method for processing media content comprised of a plurality of scenes, said method comprising:

inputting content description data including a plurality of segments each for describing one of said plurality of scenes of media content, said content description data including:

a context attribute having a value for describing a context of said media content, and

a plurality of importance attributes each associated with one of said segments and having a value rep-

representing a degree of contextual importance of said corresponding one of said segments;

and

outputting at least one of said segments based on at least one of said importance attributes.

Claim 48 (Previously presented): The data processing method according to claim 47, wherein said plurality of segments are hierarchically described.

Claim 49 (previously presented): The data processing method according to claim 47, wherein said content description data includes supplemental information.

Claim 50 (Previously presented): The data processing method according to claim 47, wherein the media content corresponds to video data and/or audio data.

Claim 51 (Previously presented): The data processing method according to claim 47, wherein each of said plurality of segments is provided with linkage information for linking to dominant data that represents said segment.

Claim 52 (Previously presented): The data processing method according to claim 51, wherein said dominant data is one or more of text data, image data and audio data.

Claim 53 (Previously presented): The data processing method according to claim 47, wherein a plurality of context attributes and a plurality of importance attributes are associated with one segment.

Claim 54 (Previously presented): The data processing method according to claim 47, wherein said context description data is previously generated prior said inputting.

Claim 55 (Previously presented): The data processing method according to claim 47, wherein said output unit is operable to output in response to a user query regarding the context.

Claim 56 (Previously presented): The data processing method according to claim 47, wherein said context description data further includes a plurality of time attributes each associated with a corresponding one of said segments for determining a start time and one of an end time and a duration of the scene associated with said corresponding segment.

Claim 57 (previously presented): A data processing apparatus for processing media content comprised of a plurality of scenes, said apparatus comprising:



input means for inputting content description data describing said plurality of scenes, said content description data being arranged in a hierarchy and including:

- a plurality of section elements;

- a plurality of segment elements each being a child of one of said section elements and also being associated with a corresponding one of said plurality of scenes;

- a plurality of context attributes each being associated with one or more of said segment elements and/or section elements, each of said context attributes having a value for describing a context of said media content;

- a plurality of importance attributes each associated with one of said context attributes and also associated with one of said segment elements that are associated with said one of said context attributes, and having a value representing a degree of importance of the scene associated with said one of said segment elements in relation to the context of said context attribute, and

- a plurality of time attributes each associated with a corresponding one of said segments for determining a start time and one of an end time and a duration of the scene associated with said corresponding segment;

and

selection means for selecting one or more of said segments based on an analysis of said importance attributes.

Claim 58 (Previously presented): The apparatus of claim 57, wherein said context description data is previously generated and stored in a database prior said inputting.

Claim 59 (Previously presented): The apparatus of claim 57, wherein said selecting is in response to a user query regarding the context.

Claim 60 (Previously presented): A data processing method for processing media content comprised of a plurality of scenes, said method comprising:

inputting hierarchically arranged context description data that describes a plurality of scenes of the media contents of one or more media files, said context description data including:

a plurality of segment elements each for describing one of said plurality of scenes,

a plurality of section elements each having either one or more of said plurality of section elements as children, or having one or more of said plurality of segment elements as children,

a plurality of context attributes each having a value for describing a corresponding context of said media content and each being an attribute associated with one or more of said segment elements and including at least one keyword for describing the contents of the scenes described by the associated one or more of said segment elements, and

a plurality of importance attributes each associated with a corresponding one of said segment elements and having a value representing a degree of importance of the scene corresponding to said corresponding segment element in relation to one context attribute that is also associated with corresponding segment element;  
selecting one or more of said segment elements based on an analysis of one or more of said context attributes and the associated importance attributes;  
inputting said media content; and  
outputting one or more of said plurality of scenes based on the selected segment elements.

Claim 61 (Previously presented): The method of claim 60, wherein said section elements are each associated with some corresponding portion of said media contents, and wherein said context description data further includes:

another plurality of context attributes each having a value for describing a corresponding context of

said media content and each being an attribute associated with one or more of said section elements and including at least one keyword for describing the contents of the corresponding portion described by the associated one or more of said section elements, and

another plurality of importance attributes each associated with a corresponding one of said section elements and having a value representing a degree of importance of the portion corresponding to said corresponding section element in relation to one of the another context attributes that is also associated with the corresponding section element.

Claim 62 (Previously presented): The method of claim 61, wherein each segment element can be a child of only one section element, and wherein each section element can be a child of only one other section element, and further wherein when a child of any of said section elements includes a segment, that section element can only have additional segment elements as children.

Claim 63 (Previously presented): The method of claim 62, wherein a given section element describes that portion of the media contents that is described by the compilation of the children elements of said given section element.

## **EVIDENTIARY APPENDIX**

### **A. Contents of Program02.xml found on the CDROM filed in this application:**

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<segment start="smpte=00:05:23:22" end="smpte=00:05:44:15">
<pointofview keyword="VIDEO" priority="4"/>
<pointofview keyword="SUMO WRESTLER0" priority="5"/>
<pointofview keyword="SUMO WRESTLER1" priority="4"/>
</segment>
<segment start="smpte=00:05:44:16" end="smpte=00:05:50:27">
<pointofview keyword="VIDEO" priority="4"/>
<pointofview keyword="SUMO WRESTLER0" priority="5"/>

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<pointofview keyword="SUMO WRESTLER1" priority="4"/>
</segment>
<segment start="smpte=00:05:50:28" end="smpte=00:06:08:15">
  <pointofview keyword="VIDEO" priority="4"/>
  <pointofview keyword="SUMO WRESTLER0" priority="4"/>
  <pointofview keyword="SUMO WRESTLER1" priority="4"/>
</segment>
<segment start="smpte=00:06:08:16" end="smpte=00:06:18:05">
  <pointofview keyword="VIDEO" priority="4"/>
  <pointofview keyword="SUMO WRESTLER0" priority="4"/>
  <pointofview keyword="SUMO WRESTLER1" priority="4"/>
</segment>
</section>
<section>
  <pointofview keyword="SUMO WRESTLER0" priority="4"/>
  <segment start="smpte=00:06:18:06" end="smpte=00:06:24:04">
  </segment>
  <segment start="smpte=00:06:24:05" end="smpte=00:06:41:04">
  </segment>
</section>
</section>
<section caption="SUMO WRESTLER2 VS. SUMO WRESTLER3">
  <pointofview keyword="SUMO WRESTLER2" priority="5"/>
  <pointofview keyword="SUMO WRESTLER3" priority="5"/>
  <section>
    <pointofview keyword="SUMO NAME" priority="4"/>
    <pointofview keyword="SUMO WRESTLER2" priority="5"/>
    <pointofview keyword="SUMO WRESTLER3" priority="5"/>
    <segment start="smpte=00:06:18:05" end="smpte=00:07:00:24">
    </segment>
  </section>
  <section>
    <pointofview keyword="WIN-LOSS RECORD" priority="3"/>
    <pointofview keyword="SUMO WRESTLER2" priority="4"/>
    <pointofview keyword="SUMO WRESTLER3" priority="4"/>
    <segment start="smpte=00:07:00:25" end="smpte=00:07:15:21">
    </segment>
  </section>
  <section>
    <pointofview keyword="SUMO WRESTLER0" priority="2"/>
    <segment start="smpte=00:07:15:22" end="smpte=00:07:39:26">
    </segment>
  </section>
  <section>
    <pointofview keyword="SUMO WRESTLER2" priority="4"/>
    <segment start="smpte=00:07:39:27" end="smpte=00:07:46:02">
    </segment>
  </section>
  <section>
    <pointofview keyword="SUMO WRESTLER2" priority="4"/>
    <pointofview keyword="SUMO WRESTLER3" priority="4"/>

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<segment start="smpte=00:07:46:03" end="smpte=00:07:53:17">
</segment>
</section>
<section>
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
<segment start="smpte=00:07:53:18" end="smpte=00:08:01:21">
</segment>
</section>
<section>
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
<segment start="smpte=00:08:01:22" end="smpte=00:08:18:02">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
<segment start="smpte=00:08:18:03" end="smpte=00:08:39:05">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
</segment>
<segment start="smpte=00:08:39:06" end="smpte=00:08:47:06">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
<segment start="smpte=00:08:47:07" end="smpte=00:09:03:27">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
</segment>
<segment start="smpte=00:09:03:28" end="smpte=00:09:07:20">
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
<segment start="smpte=00:09:07:21" end="smpte=00:09:16:26">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
<segment start="smpte=00:09:16:27" end="smpte=00:09:20:25">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>
</segment>
<segment start="smpte=00:09:20:26" end="smpte=00:09:22:27">
<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
</section>
<section>
<pointofview keyword="SUMO WRESTLER2" priority="5"/>
<pointofview keyword="SUMO WRESTLER3" priority="5"/>
<segment start="smpte=00:09:22:28" end="smpte=00:09:48:11">
<pointofview keyword="SUMO WRESTLER2" priority="5"/>
<pointofview keyword="SUMO WRESTLER3" priority="5"/>
</segment>
<segment start="smpte=00:09:48:12" end="smpte=00:09:51:27">
<pointofview keyword="SUMO WRESTLER2" priority="5"/>
</segment>
<segment start="smpte=00:09:51:28" end="smpte=00:09:57:01">
<pointofview keyword="SUMO WRESTLER2" priority="4"/>

```

```

<pointofview keyword="SUMO WRESTLER3" priority="4"/>
</segment>
<segment start="smpte=00:09:57:02" end="smpte=00:10:12:21">
  <pointofview keyword="SUMO WRESTLER2" priority="4"/>
</segment>
</section>
<section>
  <pointofview keyword="VIDEO" priority="4"/>
  <pointofview keyword="SUMO WRESTLER2" priority="4"/>
  <pointofview keyword="SUMO WRESTLER3" priority="4"/>
  <segment start="smpte=00:10:12:22" end="smpte=00:10:41:17">
    <pointofview keyword="VIDEO" priority="4"/>
    <pointofview keyword="SUMO WRESTLER2" priority="4"/>
    <pointofview keyword="SUMO WRESTLER3" priority="4"/>
  </segment>
</section>
<section>
  <pointofview keyword="SUMO WRESTLER2" priority="5"/>
  <segment start="smpte=00:10:41:18" end="smpte=00:11:28:17">
  </segment>
</section>
<section>
  <segment start="smpte=00:11:28:18" end="smpte=00:11:41:29">
  </segment>
</section>
</section>
</contents>

```

**B(2). Contents of Program07.out found on the CDROM filed in this application:**

id="mobj-01" start="smpte=00:01:00:29" end="smpte=00:01:14:14"  
id="mobj-01" start="smpte=00:04:20:02" end="smpte=00:05:02:06"  
id="mobj-01" start="smpte=00:05:04:17" end="smpte=00:06:41:04"  
id="mobj-02" start="smpte=00:00:00:00" end="smpte=00:00:42:24"  
id="mobj-02" start="smpte=00:03:02:26" end="smpte=00:03:33:27"  
id="mobj-02" start="smpte=00:03:54:22" end="smpte=00:04:23:17"

**Related Proceedings Appendix**

Application serial number 09/467,231, the parent of this application, is currently being appealed. A notice of appeal for that case was filed on July 12, 2007, and an appeal brief was filed on December 17, 2007.